



3650 S. Boulevard • Edmond, OK 73013 • omag.org  
405.657.1400 • 800.234.9461 • FAX 405.657.1401

November 23, 2020

U.L.1.t.t.i.on : by OMAG

Title 19, U.S.C., Section 249,

Title 19, U.S.C., Section 242

Title 42, U.S.C.S  
14141.

Markeith Tucker  
1920 West 7th, Trailer 88  
Elk City, OK 73644

RE: Member : City of Elk City  
Claimant : Markeith Tucker  
Date of Loss : July 9, 2020  
Claim No. : 208859-1-JS

Dear Mr. Tucker:

Per your request, enclosed please find the documents you forwarded with your claim.

Sincerely,

Jayne Spies, CLMP, ACP, CCMP  
Claims Manager

Obstruction of Evidence; Justice.  
Bad faith of party.

## NOTICE OF TORT CLAIM

## OKLAHOMA MUNICIPAL ASSURANCE GROUP - MUNICIPAL LIABILITY PROTECTION PLAN

## A. CLAIMANT REPORT

To the CITY OF ELK CITY

Public entity you are filing this claim against.

## PLEASE PRINT OR TYPE AND SIGN

**IMPORTANCE NOTICE:** The filing of this form with the City Clerk's office is only the initial step in the claim process and does not indicate in any manner the acceptance of responsibility by the City or its related entities. Written notice is required by law and shall be filed with the City Clerk within one (1) year from the date of occurrence. It will then be sent to OMAG Claims Dept. for investigation. You may expect them to contact you. Failure to file within such time frame may result in the claim being barred in its entirety. Other limitations to your claim may apply (See Oklahoma Statutes Title 51, Section 151-172).

CLAIMANT(S) Marketh D. TurnerADDRESS 970 W. 1st Street #300Elk City, OK 73644CLAIMANT(S) SOCIAL SECURITY NO. CLAIMANT(S) DATE OF BIRTH 7/6/1983PHONE: HOME (580) 721-2240 BUS. (580) 210-0220

S00.210.0220 Continue on an other sheet if needed

for any information requested)

1. DATE AND TIME OF INCIDENT 7-04-2011 a.m. / 1 p.m.

2. LOCATION OF INCIDENT 3rd and Main Street Elk City, OK

3. DESCRIBE INCIDENT I was on my home and officers hit limb on me about at leggy bend or lower end. I was in left lane unable to pull over or merge to right due to volume of traffic right side end was 87% of 15% but do not rear-ended on but out of 15% due to officers bad pattern of driving, especially those from Color Rule violation with ending from chs

4. LIST ALL PERSONS AND/OR PROPERTY FOR WHICH YOU ARE CLAIMING DAMAGES: not at fault due to the officer's carelessness

**BODILY INJURY:** WAS CLAIMANT INJURED? YES NO If yes, complete this section  
Describe injury Why left limb lower position with muscle cramps

WERE YOU ON THE JOB AT THE TIME OF INJURY? YES NO If so, please give name, address andNAME OF DOCTOR OR HOSPITAL Dr. Billie M. Tracy MD phone number of company ALL MEDICAL BILLS (attach Copies) \$ LIST OTHER DAMAGES CLAIMED \$ TOTAL BODILY INJURY..... \$ 

**PROPERTY DAMAGE:** Proof that you are the owner of the vehicle or property allegedly damaged as specified in your claim will be required.

VEHICLE NAME Cougar classic BODY TYPE Cougar YEAR 95NOTE: If damage is to a vehicle, a photocopy of your motor vehicle title is required.  
IF NOT A VEHICLE, DESCRIBE PROPERTY AND LOSSPROPERTY DAMAGE (Attach repair bills or two estimates) \$ LIST OTHER DAMAGES CLAIMED \$ TOTAL PROPERTY..... \$ 5. NAME OF YOUR INSURANCE CO.POLICY NO. 938073548AMOUNT CLAIMED \$125,000AMOUNT RECEIVED \$06. The names of any witnesses known to you.Notary of public

Name

Address

Phone Number

Name

Address

Phone Number

STATE THE EXACT AMOUNT OF COMPENSATION YOU WOULD ACCEPT AS FULL SETTLEMENT ON THIS CLAIM.

TOTAL CLAIM ..... \$ 75,000SIGNATURE(S) M. R. J.

DATE

**B. THIS SECTION IS FOR USE BY THE PUBLIC ENTITY WHICH RECEIVES THE CLAIM**

To inquire about this claim you may write to  
OMAG Claims Dept. or call 1-800-234-9461; or  
in Edmond call 657-1400

This Notice of Tort Claim was received by

Cheryl Sipes

(Title) City Clerk, on November 2, 2020

For further information on this claim contact Asst Chief Kennie Shirey  
(Title) \_\_\_\_\_, by telephone at 980-725-1212

The following reports, statements or other documentation, which support our understanding of the facts relating to this claim, are attached:

Police Report

Persons who have knowledge of the circumstances surrounding this claim are:

Name	Title/Position	Telephone
1.		
2.		
3.		
4.		

Submitted by: Cheryl Sipes Date 11/2, 2020

Title: City Clerk

AFTER THE PUBLIC ENTITY HAS RECEIVED THIS  
CLAIM, PLEASE PROVIDE INFORMATION REQUESTED  
ABOVE AND IMMEDIATELY SEND TO:

OMAG Claims Dept.  
3650 S. Boulevard  
Edmond, OK 73013-5581  
Fax (405) 657-1401

Foot Note

Mr. with D. Turke

B.J. Partner of Practice

Title 42, U.S.C.,  
State 4141

I was owner of Cor  
"PPS" witness was just  
witness on file.



ROBERSON KOLKER COOPER GOERES, P.C.

BRAD L. ROBERTSON<sup>†</sup>  
 PAUL M. KOLKER<sup>†,‡</sup>  
 R. THOMPSON COOPER  
 DAWN M. GOERES  
 TIMOTHY J. PRENTICE  
 DREW A. LAGOW<sup>†</sup>  
 LAUREN N. WATSON  
 A. SABETTE ROBERTSON<sup>†</sup>

<sup>†</sup> Also Admitted in Texas  
<sup>‡</sup> Also Admitted in District of Columbia  
<sup>§</sup> Also Admitted in Chickasaw Nation  
<sup>¶</sup> Also Admitted in United States Court of Federal Claims

MAILING ADDRESS: 16408 MUIRFIELD PLACE EDMOND, OKLAHOMA 73013  
 TELEPHONE: (405) 606-3333 FACSIMILE: (405) 606-3334 RKCLAW.COM

October 13, 2020

Mr. Markeith Tucker  
 1920 West 7<sup>th</sup>, Trailer 88  
 Elk City, Oklahoma 73644

Re: *In Re: Galbreath, Demario*

Claim No.: 20-5460544  
 Date of Loss: 07/09/20

Dear Mr. Tucker:

It was a pleasure speaking with you a few weeks ago regarding the above-referenced matter. As we discussed, I have been retained by Progressive to investigate the collision at issue. To be clear, I do not represent you in this matter. Nonetheless, based upon our conversation, it is my understanding you would like to see the following paid by Progressive as it relates to the claim:

1. Damage to your vehicle;
2. Damage to the Elk City Police Department vehicle;
3. Damage to the shrubs at Great Plains Medical Center; and
4. Your medical bills and injuries.

If there are any other items I have not addressed that you feel should be compensated by Progressive, please let me know.

Concerning the damage to the 1995 Chevrolet Caprice, as you will note from the enclosed Declarations Page, Mr. Galbreath did not purchase comprehensive or collision coverage for the Caprice with Progressive. As such, Progressive cannot pay to have the subject vehicle repaired. If you or Mr. Galbreath had the vehicle insured for comprehensive or collision coverage with another insurance company please let me know and I will assist you in opening a claim with that carrier.

Concerning the damage to the Elk City Police Department vehicle, my office was able to confirm that the Elk City Police Department is not pursuing a property damage claim with Progressive. Specifically, the repairs were minor enough that the Department was able to fix the vehicle in house. In other words that claim with Progressive is resolved.

Yox

ROBERSON, KOLKER, COOPER & GOERES, P.C.

Mr. Markeith Tucker

October 13, 2020

Page 2

TITLE 42, U.S.C. Section  
4141 - Puffin and Prentice

Concerning the damage to the shrubs at Great Plains Medical Center, Progressive has reached out to them and is waiting on a return call as to whether a claim is being made. I will be sure to let you know when that claim has been resolved.

Concerning your medical bills and injuries related to the events of July 9, 2020, there is no medical payments coverage, as noted on the enclosed Declarations Page. However, there is \$25,000 in underinsured motorist coverage available to indemnify you for your medical bills and injuries, should you be determined to be fifty percent or less at fault for the event and the value of your injuries exceed the Governmental Tort Claims Act limits of \$125,000.00. Based upon the information obtained to date, Progressive has determined you are majority at fault for the accident. However, Progressive has not had the opportunity to speak with you (based upon advice of your criminal counsel) and the Elk City Police Officer will not give a statement at this time. In order for Progressive to reevaluate the liability decision, at a minimum, it will need to take a statement from you. Alternatively, if you have any additional information that would demonstrate you are not majority responsible for causing the accident, please provide that information to me and I will provide it to Progressive.

I look forward to hearing from you shortly.

Very truly yours,



Timothy J. Prentice

BLR:TJP:sel  
File No. 522.2169

Enclosure

Statement to prove fifty percent or less at fault for the event and the value of injuries exceed the Governmental Tort Claims Act limits of \$125,000. Progressive Attorney known from progressive said officer give statement it was deliberately done; then State Intergent Lawyer said officer hit stopped me due to rear lights being out; I provided insurance company with receipts from O'Reilly when I purchased them new and had them put in by Mr. Messer his wife witness and under duress I left seen due to D.L. Puffin or Prentice color rule violation "4141" just to be charged with elusion officer to seek medical treatment from Great Plains Hospital with scheduled court date on 12-21-2020; after body injury with doctor's statement of Justice from Attorney office,

PROGRESSIVE  
P.O. BOX 6807  
CLEVELAND, OH 44101



DEMARIO GALBREATH  
7301 SW LEE BLVD #625  
LAWTON, OK 73505

**Policy Number: 938073546**

Underwritten by:

Progressive Northern Insurance Co

July 2, 2020

Policy Period: Apr 28, 2020 - Oct 28, 2020

Page 1 of 2

[progressiveagent.com](#)

Online Service

Make payments, check billing activity, update policy information or check status of a claim.

**1-800-876-5581**

For customer service and claims service,  
24 hours a day, 7 days a week.

## Auto Insurance Coverage Summary

This is your Declarations Page  
Your coverage has changed

Your coverage began on April 28, 2020 at the later of 12:01 a.m. or the effective time shown on your application. This policy period ends on October 28, 2020 at 12:01 a.m. Standard Time.

This coverage summary replaces your prior one. Your insurance policy and any policy endorsements contain a full explanation of your coverage. The policy limits shown for a vehicle may not be combined with the limits for the same coverage on another vehicle. The policy contract is form 9611A OK (12/15). The contract is modified by form 4884 (10/08).

### Policy changes effective July 1, 2020

Changes requested on:	Jun 26, 2020 02:32 p.m.
Requested by:	DEMARIO GALBREATH
Premium change:	\$386.75
Changes:	Coverage has changed on the 2005 CHEVROLET AVALANCHE C1500K1500.

### Underwriting company

Progressive Northern Insurance Co  
P.O. Box 6807  
Cleveland, OH 44101  
1-800-876-5581

### Drivers and resident relatives

DEMARIO GALBREATH

Additional information

Named insured

### Outline of coverage

General policy coverage	Limits	Deductible	Premium
Uninsured Motorist Bodily Injury	\$25,000 each person/\$50,000 each accident		\$113
Total premium for general policy coverage			\$113.00

Form 6489 OK (06/18)

Supervisor Ms. Melissa  
and statement from Shon  
Progressive Attorney IT

Was deliberately done. And I want  
Cover Out of my Auto Umbrella. Sixty four thousand seven hundred



Policy Number: 938073546

DEMARIO GALBREATH

Page 2 of 2

**2005 CHEVROLET AVALANCHE C1500K1500 CREW PICKUP**

VIN: 3GNEC1Z75G137980

Garaging ZIP Code: 73505

Primary use of the vehicle: Commute

Length of vehicle ownership when policy started or vehicle added: At least 3 years but less than 5 years

	Limits	Deductible	Premium
<b>Liability To Others</b>			\$1,620
Bodily Injury Liability	\$25,000 each person/\$50,000 each accident		
Property Damage Liability	\$25,000 each accident		
<b>Comprehensive</b>	Actual Cash Value	\$1,000	269
<b>Collision</b>	Actual Cash Value	\$1,000	182
<b>Total premium for 2005 CHEVROLET</b>			<b>\$1,071</b>

**1995 CHEVROLET CAPRICE 4 DOOR SEDAN**

VIN: 1G1BL52W7SR100764

Garaging ZIP Code: 73505

Primary use of the vehicle: Pleasure

Length of vehicle ownership when policy started or vehicle added: At least 1 month but less than 1 year

	Limits	Deductible	Premium
<b>Liability To Others</b>			\$349
Bodily Injury Liability	\$25,000 each person/\$50,000 each accident		
Property Damage Liability	\$25,000 each accident		
<b>Total premium for 1995 CHEVROLET</b>			<b>\$349</b>
<b>Total 6 month policy premium</b>			<b>\$1,533.00</b>

**Premium discounts**

Policy .....  
 938073546 .....  
 Multi-Policy, Automatic Card Payments (ACP) and Multi-Car

**Agent countersignature****Company officers**

Secretary



DEDICATED TO THE PROFESSIONAL

Store 266, 6404 NW Cache Road,  
Lawton, OK 73505

(580) 536-8158

10/29/2020.

Bill To:

EVANS AUTOMOTIVE  
 JOE EVANS  
 BOX 84  
 TUTUMS, OK 73487  
 (580) 512-4945

Ship To:

EVANS AUTOMOTIVE  
 BOX 84  
 TUTUMS, OK 73487

Invoice	0266-242158
Sale Type	CASH SALE
Date	07/08/2020 6:01 PM
Ship Via	DELIVER
PO Number	

Counter #	Customer Account	Ordered By	Special Instructions
521876	325119		

Qty	Line	Item Number	Description	Warr	Unit	Tax	List	Net	Extended
1	SYL	920LLBP	MINI BULB	1Y	BP	Y	11.00	6.20	6.20

\*\* Historical Reprint \*\*

Additional Attachments to Auto Accident

Caused from Plaintiff being under Drowsy

and Stopped from officers that bulbs

were out; does bad policy of practice. M.P. Sherry

at Progressive Insurance S.I. offer 3rd lights

bulbs where out, and it was deliberately done. And

to settle my Auto Accident with Insurer-Cigna Progressive

and find it was \$25,000 in damages made one and

to indemnify you for med-f bills and injuries should I be

determined to be left, dead or less at fault for event and

the above injuries do not exceed the Government ~~but claim~~ Act limit

100% Labor Guarantee on Ultima and Ultima Select starters & alternators!

\$125,000, Based on Stmt from progressive Attorney & Office

said it was deliberate

Maura Lee  
Customer Signature

and lights where out

which is fabricants evidence to  
 false statements & M. folder by  
 www.FIRSTCALLONLINE.COM

Please visit [www.firstcallonline.com/warranty](http://www.firstcallonline.com/warranty) for warranty details



Sub-Total	6.20
Sales Tax	0.64
Total	6.84
Cash	7.00
Change Given	-0.16

WE APPRECIATE YOUR BUSINESS!

Remit To: PO Box 9464, SPRINGFIELD MO 65811-0464



DEDICATED TO THE PROFESSIONAL

Store 266, 6404 NW CACHE ROAD,  
LAWTON, OK 73505 (580) 536-0158Bill To:

EVANS AUTOMOTIVE  
 JOE EVANS  
 BOX 84  
 TUTUMS, OK 73487  
 (580) 512-4945

Ship To:

EVANS AUTOMOTIVE  
 BOX 84  
 TUTUMS, OK 73487

Invoice	0266-242167
Sale Type	CASH SALE
Date	07/08/2020 7:05 PM
Ship Via	DELIVER
PO Number	

Counter #	Customer Account	Ordered By	Special Instructions
521876	325119		

Qty	Line	Item Number	Description	Warr	Unit	Tax	List	Net	Extended
1	SYL	2357LLBP	MINI BULB	1Y	BP	Y	11.00	5.21	5.21

\*\* Historical Reprint \*\*

1 Item

100% Labor Guarantee on Ultima and Ultima Select starters &amp; alternators!

Customer Signature



Sub-Total	5.21
Sales Tax	0.54
Total	5.75
Cash	10.00
Change Given	-4.25

**INCIDENT / OFFENSE REPORT**

Elk City Police Department

422 E 3RD, ELK CITY OK 73648 (580) 225-1212

CASE NUMBER

2000770

**SUSPECT / ARRESTEE**

NO	1	TYPE	Arrestee						
NAME	TUCKER, MARKEITH DEMOND			SEX	M	RACE	B	DOB	07/06/1983
HGT	5 Ft. 11 In.	WGT	165	HAIR	BLK	EYES	BRO	ETHNICITY	Not Hispanic
STATUS	Single	RESIDENT	Yes	SSN	460-63-2124	DL #	N083561289		
ADDRESS	1920 W 7TH LOT 48 ELK CITY , OK 73644 PHONE (580) 210-0220								
ARREST DATE	07/09/2020 11:05			TYPE OF ARREST	Taken Into Custody				
ARREST AGENCY	Elk City Police Department			ARRESTING OFFICER	MEYER, JESSE				
ARREST LOCATION	1801 W 3rd			DWI ARREST	No				
MULTI CLEARANCE				BOOKED / WHERE	Elk City Police Department				
BOOKING NUMBER	2020-0347			LOCAL ARREST ID					
WEAPON CODE(S)	Unarmed			SEARCH					
SEARCH OFFICER									

**JUVENILE SECTION**

PARENT NOTIFIED DATE / TIME NOTIFIED

PERSON NOTIFIED NOTIFIED BY

JUV. DISPOSITION

**VICTIM**

NO	1	TYPE	Society / Public	VICTIM OF OFFENSE	87F				
NAME	STATE OF OKLAHOMA BECKHAM COUNTY,			SEX	M	RACE	U	DOB	
HGT	0 Ft. 0 In.	WGT	0	HAIR		EYES		ETHNICITY	
STATUS		RESIDENT	No	SSN		DL #			
ADDRESS	108 S 3rd. Street Sayre, OK 73662 PHONE (580) 928-2121								

**TYPE OF INJURY****LOCATION OF INJURY****OFFENDER / RELATIONSHIP**

TUCKER, MARKEITH DEMOND

**INCIDENT / OFFENSE REPORT**

Elk City Police Department

422 E 3RD, ELK CITY OK 73648 (580) 225-1212

CASE NUMBER

2000770

*Left seen under "Dress" and pattern of fracture*

*T-11242 U.S.L. Sefun  
14141-1*

**ADMINISTRATIVE**

AGENCY NAME Elk City Police Department  
 INCIDENT OCCURRED ON 07/09/2020 10:45  
 TYPE OF REPORT Arrest  
 CLEARED EXCEPTIONALLY Cleared - By Arrest  
 REPORTING OFFICER Badge No: 20 - MEYER,JESSE  
 TOTAL IMAGE IN REPORT 1

AGENCY ORI # OKO050100  
 REPORTED ON 07/09/2020 10:45  
 OFFICER ASSAULT NO  
 CLEARANCE DATE 07/09/2020

**OFFENSE (SUMMARY)**

NO	OFFENSE
1	87F - Traffic - Other  2nd St & Boone Ave
2	290 - Vandalism/Destruction/Damage of Property  1801 W 3rd

**PARTY (SUMMARY)**

NO	NAME
1	ARRESTEE  TUCKER, MARKEITH DEMOND
2	OFFICER  CRUZ, ROBERT
3	OFFICER  GEORGE, BRAD
4	OFFICER  MEYER, JESSE
5	OFFICER  TAYLOR, LANCE
6	VICTIM  GREAT PLAINS REGIONAL MEDICAL CENTER
7	VICTIM  STATE OF OKLAHOMA BECKHAM COUNTY

**INCIDENT / OFFENSE REPORT**

Elk City Police Department

422 E 3RD, ELK CITY OK 73648 (580) 225-1212

CASE NUMBER

2000770

**VICTIM**

NO	2	TYPE	Business	VICTIM OF OFFENSE	290
NAME	GREAT PLAINS REGIONAL MEDICAL CENTER,			SEX	RACE
HGT				HAIR	DOB
STATUS	RESIDENT No			SSN	EYES
ADDRESS	1801 W 3RD Elk City, OK 73644			DL #	ETHNICITY
				PHONE	(580) 225-2511

**TYPE OF INJURY****LOCATION OF INJURY****OFFENDER / RELATIONSHIP**

TUCKER, MARKEITH DEMOND

**REPORT PERSON / WITNESS****NO REPORT PERSON / WITNESS REPORTED**

NO	TYPE	<i>Notary of Public</i>	SEX	RACE	DOB
NAME		<i>[Signature]</i>	HAIR	EYES	ETHNICITY
HGT	WGT		SSN	DL #	
STATUS	RESIDENT			PHONE	
ADDRESS					

**INCIDENT / OFFENSE REPORT**

Elk City Police Department

422 E 3RD, ELK CITY OK 73648 (580) 225-1212

**CASE NUMBER**

2000770

**OFFENSE**

NO 1

OFFENSE 87F - Traffic - Other

**OFFENDER OF OFFENSE**

TUCKER, MARKEITH DEMOND(37)

**VICTIM OF OFFENSE**STATE OF OKLAHOMA BECKHAM COUNTY, -Victim was  
Otherwise Known

CHARGE FROM Arrest

CHARGE TYPE Statute Based ( as Felony)

**CHARGE DESCRIPITON**

Eludes or attempts to eludes a police officer after receiving signal to stop in such a manner as to endanger any other person.

**OFFENSE COMPLETED** Yes**SUSPECT OF USING****MOTIVATE HATE BIAS****OFFENSE LOCATION** 2nd St & Boone Ave**GEO LOCATION** Beckham County**PREMISE TYPE NAME** Boone Ave**PREMISE TYPE** Highway/Road/Alley (include street)

By being in left  
 hand lane of lane of  
 stop, having to merge  
 to right to pull over, was  
 driving right to crosswalk  
 property pull over.

# OF PREMISES ENTERED

TYPE OF STRUCTURE

**APPLIES TO BREAKING & ENTERING ONLY**

METHOD OF ENTRY

TIME OF ENTRY

**APPLIES TO STOLEN VEHICLE ONLY**

TYPE OF STOLEN VEHICLE

**CRIMINAL ACTIVITY****WEAPON INVOLVED****AGGRAVATED ASSAULT / HOMICIDE CIRCUMSTANCES (APPLY TO HOMICIDE ONLY)****SITUATION****CIRCUMSTANCES**

MURDER / NON-NEGLIGENT MANSLAUGHTER

NEGLIGENT MANSLAUGHTER

ADDITIONAL / JUSTIFIABLE HOMICIDE

**INCIDENT / OFFENSE REPORT**

Elk City Police Department

422 E 3RD, ELK CITY OK 73648 (580) 225-1212

**CASE NUMBER**

2000770

**OFFENSE**

NO 2

OFFENSE 290 - Vandalism/Destruction/Damage of Property

**OFFENDER OF OFFENSE**

TUCKER, MARKEITH DEMOND(37)

**VICTIM OF OFFENSE**

GREAT PLAINS REGIONAL MEDICAL CENTER, -Relationship Unknown

*Dropped charges; stated by  
Insurance Adjusters.*

CHARGE FROM Arrest

CHARGE TYPE Statute Based ( as Misdemeanor)

**CHARGE DESCRIPTION**

Maliciously injures, defaces or destroys other's real or personal property, if the value of loss is less than \$2,500.

OFFENSE COMPLETED Yes

**SUSPECT OF USING****MOTIVATED BY HATE BIAS**

OFFENSE LOCATION 1801 W 3rd

GEO LOCATION Beckham County

PREMISE TYPE NAME Great Plains Regional Medical Center

PREMISE TYPE Other Community / Public

**APPLIES TO BREAKING & ENTERING ONLY**

METHOD OF ENTRY

# OF PREMISES ENTERED

TIME OF ENTRY

TYPE OF STRUCTURE

**APPLIES TO STOLEN VEHICLE ONLY**

TYPE OF STOLEN VEHICLE

**CRIMINAL ACTIVITY****WEAPON INVOLVED****AGGRAVATED ASSAULT / HOMICIDE CIRCUMSTANCES (APPLY TO HOMICIDE ONLY)****SITUATION****CIRCUMSTANCES**

MURDER / NON-NEGIGENT MANSLAUGHTER

NEGIGENT MANSLAUGHTER

ADDITIONAL / JUSTIFIABLE HOMICIDE

**INCIDENT / OFFENSE REPORT**

Elk City Police Department

422 E 3RD, ELK CITY OK 73648 (580) 225-1212

**CASE NUMBER**

2000770

**VEHICLE**

**NO** 1                   **OWNER**  
**TYPE** Impounded       **TAG NO.** IPN515                   **STATE** Oklahoma       **TAG YEAR** 2021  
**VIN NO.** 1G1BL52W7SR100764                   **VEH. YEAR** 1995  
**MAKE** Chevrolet                   **MODEL** CCL  
**STYLE** Hardtop, 4 door                   **COLOR** Red  
**EST. VALUE**

**IMPOUNDED BY** Haines Wrecker**DISTINGUISHING MARK****IN CAR PROPERTY****RECOVERED SECTION****DATE RECOVERED****RECOVERED VALUE** 0.00**RECOVERING AGENCY****PROPERTY****TYPE OF LOSS CODES**

1. NONE	3. COUNTERFEITED/FORGED
2. BURNED	4. DESTROYED/DAMAGED/VANDALIZED

5. RECOVERED

7. STOLEN

6. SEIZED

No	IBR	Quan.	Description	Serial #	Loss Code	Desc. Code	NCIC #	Est. Value	Recovered
1	290	4.00	3 Decorative Bushes, 1 Parking Barrier		4	35		1000.00	

**INCIDENT / OFFENSE REPORT****Elk City Police Department**

422 E 3RD, ELK CITY OK 73648 (580) 225-1212

**CASE NUMBER****2000770****NARRATIVE No: 1 - Officer: MEYER, JESSE**

On 07/09/2020, at approximately 10:45 hrs, I was patrolling in the area of W. B Ave and N. Washington Ave, where I observed a red in color Chevy 4 door car bearing Oklahoma tag IPN515, traveling west on B Ave.

As the vehicle approached W. B Ave and N. Boone Ave, I observed one of the driver side brake lights to not be illuminated when the brake was applied. The vehicles brake lights are broken into two different light bulbs on both the driver and passenger side. The vehicle then turned south onto N. Boone Ave. I activated my emergency lights to initiate a traffic stop for the above mentioned violation near the intersection of W. 2nd St and N. Boone Ave. The vehicle continued south towards W. 3rd St, turned west onto W. 3rd St and continued to travel west at approximately 30 mph. While my emergency lights were activated I activated my siren attempting to get the driver's attention, the driver looked up into the rear view mirror then looked back at the road and continued traveling west passing several vehicles and pedestrians. The vehicle continued west passing N. Randall Ave, continued past AutoZone (1314 W 3rd St) where Cpl. Cruz followed in behind my patrol vehicle and call out our location to dispatch and other responding units. Cpl. Cruz also advised the driver would be Markleth Tucker (DOB:07/06/1983). (See Cpl. Cruz's attached narrative).

At that time I advised dispatch I would be in pursuit of Tucker. Tucker continued west on 3rd St, turned south onto Peace Ave. As Tucker approached the intersection of Peace Ave and W. Broadway Ave the vehicle slowed almost to a stop, continued, then stopped aggressively causing the grille guard of my patrol vehicle to strike the rear bumper of the vehicle. Tucker then continued west onto W. Broadway, south on Merritt St, then east onto 7th St. While traveling east on 7th St Tucker's vehicle reached an excessive speed of 70 mph. Tucker failed to stop at 7th St and Lusk Ave, as well as 7th St and S. Randall Ave, where Sgt. Taylor took over calling out our location to dispatch and other responding units. (See Sgt. Taylor's attached narrative). Tucker continued east on 7th St to S. Washington Ave, turned north onto S. Washington Ave, I observed Tucker fail to stop at the intersection of 6th St and Washington, as well as 5th St and Washington Ave, before turning west onto W. Broadway Ave. Tucker failed to stop at W. Broadway Ave and N. Randall Ave, continued west on W. Broadway Ave, turned north on to N. Oklahoma Ave, then turned west on to W. 3rd St. All intersections mentioned above are marked with Stop Signs.

While on W. 3rd St Lt. George followed in behind my patrol vehicle near N. State Ave and began to call out our location to dispatch and other responding units. (See Lt. George's attached narrative). We continued west to N. Lincoln Ave, where Tucker went north at a high rate of speed, the vehicle lost control and went through the grass towards the Great Plains Regional Hospital parking lot. Tucker continued through the grass and the parking lot where there was several parked vehicles and pedestrians outside, towards the front entrance, where Tucker exited the vehicle and attempted to run into the lobby of the hospital. Lt. George exited his patrol vehicle to pursue Tucker on foot, I exited my patrol vehicle and ran to the vehicle due to it rolling in reverse. I was able to put the vehicle in park, then ran to Lt. George's location where he had Tucker on the ground and was placing him in hand restraints.

Sgt. Taylor inventoried the vehicle and waited for Haines Wrecker to arrive.

Tucker was then placed in the backseat of my patrol vehicle and transported to the emergency room due to complaints of head and back injuries. A short time later Tucker was cleared by medical staff and transported to the Elk City Jail.

This report will be sent to the District Attorney's Office for charges to be filed.

Waiting on estimates to be submitted by Great Plains Regional for damages to the grass, decorative bushes and parking barriers that were damaged by Tucker.

**INCIDENT / OFFENSE REPORT****Elk City Police Department**

422 E 3RD, ELK CITY OK 73648 (580) 225-1212

**CASE NUMBER****2000770****NARRATIVE No: 2 - Officer: GEORGE, BRAD**

On 07/09/20, at approximately 10:45 hours, I overheard radio traffic from Elk City Police Officer Jesse Meyer, in which he stated he was attempting to conduct a traffic stop. During this time Meyer stated the car was failing to yield and a short time later Meyer advised he was in pursuit. During the course of the pursuit I positioned my patrol unit at the intersection of S. Lusk Ave and W. Broadway Ave. I then heard the car was traveling west-bound on W. Broadway Ave and I began driving east on W. Broadway with my emergency lights activated.

As I came to the intersection of S. State Ave and W. Broadway I observed a red four-door car, being pursued by an Elk City Police Patrol Car, which had it's emergency lights and sirens activated. The red car then turned north, onto 3rd Street, and continued west-bound on 3rd Street. I drove to 3rd Street where I joined the pursuit and began relaying information to dispatch. The red car made a sudden right-hand turn onto N. Lincoln Ave, but was traveling at too great of a speed to maneuver the turn, which cause the vehicle to jump the curb and enter the grass area of the Hospital property. The car continued north through the grass walking track area and into the Hospital parking lot area. The parking lot was full of vehicles and I also observed multiple people, out of their cars, and standing in the parking lot. I followed along the roadway and entered the parking lot through the Emergency Room entrance.

At that time I observed the red car pull into the turn around drop off point in front of the Hospital Admissions area. The driver jumped out of the car, ran toward the Admissions door, and attempted to pry the doors open with his hands. I exited my patrol vehicle, drew my service weapon, and ordered the subject to get on the ground. After several commands he complied and got on his stomach. During this time I observed the car to begin to roll backwards and strike a parking barrier. I asked Meyer to secure the car, which he did. I then placed the driver, Markeith Tucker in handcuffs and he was secured in the back seat of Officer Meyer's patrol car.

While en route to the Elk City Police Department, as I was following Meyer, I observed the front driver side wheel of Meyer's patrol vehicle to appear severely damaged and advised him to pull over in order to prevent further damage. We removed Tucker from the back seat, placed him near the rear of my patrol vehicle, and shortly after had him sit in the shade near a building. A short time later Cpl. Cruz arrived with a caged unit and Tucker was transported to the Elk City Police Department.

**INCIDENT / OFFENSE REPORT****Elk City Police Department**

422 E 3RD, ELK CITY OK 73648 (580) 225-1212

**CASE NUMBER****2000770****NARRATIVE No: 3 - Officer: CRUZ, ROBERT**

On July 9, 2020 at approximately 1059hrs I heard Officer Meyer go out on traffic with a vehicle failing to stop. Shortly after Officer Meyer initiated a pursuit while traveling west on 3rd and Randall. I was in the area and followed behind Officer Meyer. I then radioed in the information for the pursuit to dispatch as Officer Meyer followed the vehicle.

I observed the vehicle to travel west on 3rd, then turn south on Peace. I observed the vehicle to roll through the stop sign at Peace and Broadway as Officer Meyer approached the vehicle from behind. I then observed both the vehicle and Officer Meyer to continue to travel west on Broadway before the vehicle slowed almost to a stop. Officer Meyer's vehicle struck the rear bumper area of this vehicle. This vehicle then accelerated and continued west on Broadway. When it reached Merritt Dr it turned south. The vehicle swerved missing multiple parked vehicles. Once the vehicle approached 7th St. it turned east. The vehicle then accelerated to approximately 55mph and approached Lusk Ave. The vehicle failed to stop at the 7th and Lusk Ave stop sign. The vehicle continued east approaching 65mph as it approached the 7th and Randall Ave stop sign. The vehicle failed to stop for this stop sign as well. At this point Elk City Sergeant Taylor joined in the pursuit and took over the duty of calling the pursuit. Shortly after I heard the vehicle was headed west on Broadway. I then started to drive west on 5th St parallel to the pursuit. I overheard radio traffic of the vehicle entering the parking lot of the Hospital located at 1801 west 3rd. Shortly after I heard the driver was apprehended. I also assisted in transporting the driver to the Elk City Police Department. This concludes my involvement in this case.

**INCIDENT / OFFENSE REPORT****Elk City Police Department**

422 E 3RD, ELK CITY OK 73648 (580) 225-1212

**CASE NUMBER****2000770****NARRATIVE No: 4 - Officer: TAYLOR, LANCE**

On 07/09/2020 at approximately 1059 hrs. I heard Officer Meyer of the Elk city Police Department go on traffic with a vehicle that was failing to stop. Officer Meyer initiated the pursuit and CPL. Cruz of the Elk City Police Department was calling the pursuit. CPL Cruz advised that they were driving east bound on West 7<sup>th</sup> and that the vehicle ran the stop sign on 7<sup>th</sup> and Lusk. I was facing west bound at the intersection of 7<sup>th</sup> and Randall with my Emergency lights and Siren activated.

I observed a red in color Chevrolet run the stop sign at 7<sup>th</sup> and Randall with Officer Meyer in pursuit. In the Chevrolet I observed Markeith Tucker. Tucker made eye contact with me. Tucker was driving the vehicle with one hand and talking on the phone with the other. I turned around and fell in behind Officer Meyer and called the pursuit. Tucker ran that 4way stop at 7<sup>th</sup> and Washington by turning north bound on Washington. Tucker continued North on Washington running the stop sign at the intersection of Washington and 6<sup>th</sup>, and Washington and 5<sup>th</sup>. Tucker turned westbound off of Washington onto Broadway Avenue. I was able to observe that he ran the intersection of Broadway and Randall. Tucker then turned north on an unknown road and I could no longer see where he was going.

Lt. George of the Elk City Police Department advised that Tucker was in the parking lot of Great Plains Regional located at 1801 West 3<sup>rd</sup>. After Tucker was in custody, I conducted the inventory of the vehicle. In the front passenger seat, I observed an empty gold in color metallic container. I observed some change of the floorboard of the vehicle. The trunk contained a soda can and the spare tire. I secured the vehicle and turned the keys over to Haines Wrecker Service upon their arrival.

This concludes my involvement in this case.

**INCIDENT / OFFENSE REPORT****Elk City Police Department**

422 E 3RD, ELK CITY OK 73648 (580) 225-1212

**CASE NUMBER****2000770****SIGNATURE****It is unlawful to falsely report a crime.**

Will you prosecute (yes/no) \_\_\_\_\_

Report submitted to DA (yes/no) \_\_\_\_\_

Officer Initial / Signature

Reported By Print

Reported By Signature

Date

Reported By (2) Print

Reported By (2) Signature

Date

Reported By (3) Print

Reported By (3) Signature

Date

Victim / Witness Print

Victim / Witness Signature

Date

Victim / Witness (2) Print

Victim / Witness (2) Signature

Date

Reporting Officer Print

Reporting Officer Signature

Date

Reviewed Officer Print

Reviewed Officer Signature

Date

10/29/2020

elkcitypd/RadioLogPrint.aspx?Mode=View&amp;RadioLogID=257763

<b>Elk City Police Department</b> 422 E 3RD ELK CITY, OK 73848 (580) 225-1212	<b>RADIO LOG</b>	<b>Log ID</b> 257763
		<b>Log Time</b> 07/09/2020 10:44

<b>CALLER DETAIL</b>		
Agency Elk City Police Department	Call Disposition Arrest	Priority 0
Initial Call Type Traffic	Final Call Type	Vehicle Tag IPN515
<b>Incident Location</b> 3RD & RANDALL ELKC ITY		
Incident Report YES - 2000770	Accident Report NO	
Caller Name .	Caller Phone ( ) -	
<b>Caller Location</b> , OK		
<b>Note / Comment</b> IPN515, RED IN COLOR WB ON 3RD APPROACHING RANDALL STILL ROLLING// TUCKER, MARKEITH 1983.07.06		

<b>OFFICER ASSIGNED</b>					
<b>Officer / Unit</b>	<b>Badge</b>	<b>Call Time</b>	<b>Arrive Time</b>	<b>Completed Time</b>	<b>Note</b>
MEYER, JESSE	20	07/09/2020 10:57	07/09/2020 10:57	07/09/2020 12:37	
CRUZ, ROBERT	25	07/09/2020 10:58	07/09/2020 10:58	07/09/2020 11:28	
TAYLOR, LANCE	14	07/09/2020 11:01	07/09/2020 11:01	07/09/2020 11:32	
GEORGE, BRAD	9	07/09/2020 11:02	07/09/2020 11:02	07/09/2020 11:28	
GOODMAN, SCOTT	3	07/09/2020 11:05	07/09/2020 11:05	07/09/2020 11:16	
MEDIC 1,		07/09/2020 11:11	07/09/2020 11:13	07/09/2020 11:42	
COLE, VANESSA	212	07/09/2020 11:12	07/09/2020 11:12	07/09/2020 11:16	

<b>OFFICER REQUESTED</b>				
<b>Officer / Unit</b>	<b>Badge</b>	<b>Request Request</b>	<b>Time</b>	<b>Note</b>
MEYER,JESSE	20	Information	07/09/2020 10:59	ON PEACE RD
MEYER,JESSE	20	Information	07/09/2020 10:59	ON BROADWAY TURNING S ON MERRITT
MEYER,JESSE	20	Information	07/09/2020 11:00	E ON 7TH FROM MERRITT
MEYER,JESSE	20	Information	07/09/2020 11:00	55 MPH EAST ON 7TH
MEYER,JESSE	20	Information	07/09/2020 11:00	FAILED TO STOP AT 7TH & LUSK// 7TH & RANDALL// NOW 70 MPH
TAYLOR,LANCE	14	Information	07/09/2020 11:01	N ON WASHINGTON, WB ON BROADWAY
TAYLOR,LANCE	14	Information	07/09/2020 11:02	PASSING TAYLOR HEADED TO 3RD
GEORGE,BRAD	9	Information	07/09/2020 11:02	HOSPITAL GRASS
GEORGE,BRAD	9	10-87	07/09/2020 11:02	GPRMC: 1801 W 3RD
GEORGE,BRAD	9	Information	07/09/2020 11:03	GOING WB. STOPPING AND RUNNING INTO HOSPITAL
GEORGE,BRAD	9	Information	07/09/2020 11:03	ON FOOT, THROUGH BACKSIDE OF HOSPITAL
GEORGE,BRAD	9	10-15	07/09/2020 11:03	TUCKER, MARKEITH 1983.07.06
GEORGE,BRAD	9	Information	07/09/2020 11:04	PROPERTY DAMAGE
GOODMAN,SCOTT	3	Send Next Wrecker	07/09/2020 11:07	S SIDE OF HOSPITAL, MAIN ENTRANCE. IPN515

10/29/2020

elkcitypd/RadioLogPrint.aspx?Mode=View&amp;RadioLogID=257763

MEYER,JESSE	20	Transport 10-15	07/09/2020 11:07	EN ROUTE 10-19
GEORGE,BRAD	9	Information	07/09/2020 11:08	REQUEST EMS. EMS TO MEET 10-19
GOODMAN,SCOTT	3	Send Next Wrecker	07/09/2020 11:09	#32'S UNIT TO BE TRANSFERRED TO CITY SHOP
GEORGE,BRAD	9	Information	07/09/2020 11:10	EMS TO PD FOR M/S
MEDIC 1,		In Route	07/09/2020 11:11	10-19
COLE,VANESSA	212	Information	07/09/2020 11:12	M/S FAMILY EN ROUTE 10-19
TAYLOR,LANCE	14	Information	07/09/2020 11:13	STANDING-BY WAITING FOR WRECKER
MEDIC 1,		On Scene	07/09/2020 11:14	
CRUZ,ROBERT	25	10-97	07/09/2020 11:16	BACK OUT WITH #9
TAYLOR,LANCE	14	Information	07/09/2020 11:16	STANDING BY FOR WRECKER
CRUZ,ROBERT	25	Transport 10-15	07/09/2020 11:17	10-19 FOR # 32
TAYLOR,LANCE	14	On Scene	07/09/2020 11:19	WRECKER
CRUZ,ROBERT	25	On Scene	07/09/2020 11:20	WITH 10-15
CRUZ,ROBERT	25	10-6	07/09/2020 11:20	10-19
GEORGE,BRAD	9	Information	07/09/2020 11:28	HAINES HAS POSSESSION OF POLICE UNIT
TAYLOR,LANCE	14	Information	07/09/2020 11:32	HAINES HAS POSSESSION OF SUSP VEH
MEYER,JESSE	20	Transport 10-15	07/09/2020 11:39	IN ROUTE TO GPRMC
MEDIC 1,		Back In Service	07/09/2020 11:42	
MEYER,JESSE	20	10-97	07/09/2020 11:43	GPRMC
CRUZ,ROBERT	25	Information	07/09/2020 11:44	AT ER WITH #32
GEORGE,BRAD	9	Information	07/09/2020 11:51	AT THE HOSPITAL
GEORGE,BRAD	9	10-97	07/09/2020 11:51	GPRMC
GEORGE,BRAD	9	Information	07/09/2020 12:07	10-8
MEYER,JESSE	20	Transport 10-15	07/09/2020 12:23	10-19
MEYER,JESSE	20	10-6	07/09/2020 12:29	10-19

**LOG HISTORY**

Module	Activity	Activity Date	By
Radio Log - Call Detail	Add	7/9/2020 10:57:07 AM	GRINDER, WENDI
Radio Log - Officer Assigned	Add	7/9/2020 10:57:10 AM	GRINDER, WENDI
Radio Log - Call Detail	Update	7/9/2020 10:58:08 AM	DENLEY, LESLIE
Radio Log - Call Detail	Update	7/9/2020 10:58:28 AM	DENLEY, LESLIE
Radio Log - Officer Assigned	Add	7/9/2020 10:58:39 AM	DENLEY, LESLIE
Radio Log - Officer Requested	Add	7/9/2020 10:59:35 AM	SHERIDAN, ELECTA
Radio Log - Officer Requested	Add	7/9/2020 10:59:54 AM	SHERIDAN, ELECTA
Radio Log - Call Detail	Update	7/9/2020 11:00:00 AM	DENLEY, LESLIE
Radio Log - Officer Requested	Add	7/9/2020 11:00:19 AM	SHERIDAN, ELECTA
Radio Log - Officer Requested	Add	7/9/2020 11:00:36 AM	SHERIDAN, ELECTA
Radio Log - Officer Requested	Add	7/9/2020 11:01:14 AM	SHERIDAN, ELECTA
Radio Log - Officer Assigned	Add	7/9/2020 11:01:19 AM	DENLEY, LESLIE
Radio Log - Officer Requested	Add	7/9/2020 11:01:48 AM	SHERIDAN, ELECTA
Radio Log - Officer Assigned	Add	7/9/2020 11:02:29 AM	DENLEY, LESLIE
Radio Log - Officer Requested	Add	7/9/2020 11:02:29 AM	SHERIDAN, ELECTA
Radio Log - Officer Requested	Add	7/9/2020 11:02:56 AM	SHERIDAN, ELECTA
Radio Log - Officer Requested	Add	7/9/2020 11:03:34 AM	SHERIDAN, ELECTA
Radio Log - Officer Requested	Add	7/9/2020 11:03:55 AM	SHERIDAN, ELECTA
Radio Log - Officer Requested	Add	7/9/2020 11:04:03 AM	SHERIDAN, ELECTA
Radio Log - Call Detail	Update	7/9/2020 11:04:06 AM	GRINDER, WENDI
Radio Log - Officer Requested	Add	7/9/2020 11:04:28 AM	SHERIDAN, ELECTA
Radio Log - Officer Assigned	Add	7/9/2020 11:05:05 AM	DENLEY, LESLIE
Radio Log - Officer Requested	Update	7/9/2020 11:05:52 AM	SHERIDAN, ELECTA

10/29/2020

elkcitypd/RadioLogPrint.aspx?Mode=View&amp;RadioLogID=257763

Radio Log - Call Detail	Update	7/9/2020 11:06:07 AM	SHERIDAN, ELECTA
Radio Log - Call Detail	Update	7/9/2020 11:08:02 AM	GRINDER, WENDI
Radio Log - Officer Requested	Add	7/9/2020 11:08:29 AM	SHERIDAN, ELECTA
Radio Log - Officer Requested	Add	7/9/2020 11:09:09 AM	SHERIDAN, ELECTA
Radio Log - Officer Requested	Add	7/9/2020 11:10:22 AM	SHERIDAN, ELECTA
Radio Log - Officer Requested	Add	7/9/2020 11:10:46 AM	GRINDER, WENDI
Radio Log - Officer Requested	Add	7/9/2020 11:11:14 AM	SHERIDAN, ELECTA
Radio Log - Officer Assigned	Add	7/9/2020 11:11:31 AM	GRINDER, WENDI
Radio Log - Officer Requested	Add	7/9/2020 11:11:42 AM	GRINDER, WENDI
Radio Log - Officer Requested	Update	7/9/2020 11:11:57 AM	SHERIDAN, ELECTA
Radio Log - Call Detail	Update	7/9/2020 11:12:10 AM	SHERIDAN, ELECTA
Radio Log - Call Detail	Update	7/9/2020 11:12:21 AM	GRINDER, WENDI
Radio Log - Officer Assigned	Add	7/9/2020 11:12:25 AM	SHERIDAN, ELECTA
Radio Log - Call Detail	Update	7/9/2020 11:12:28 AM	GRINDER, WENDI
Radio Log - Officer Requested	Add	7/9/2020 11:12:57 AM	SHERIDAN, ELECTA
Radio Log - Call Detail	Update	7/9/2020 11:13:42 AM	GRINDER, WENDI
Radio Log - Officer Requested	Add	7/9/2020 11:13:47 AM	SHERIDAN, ELECTA
Radio Log - Officer Requested	Update	7/9/2020 11:14:01 AM	SHERIDAN, ELECTA
Radio Log - Officer Requested	Add	7/9/2020 11:14:10 AM	GRINDER, WENDI
Radio Log - Call Detail	Update	7/9/2020 11:14:18 AM	SHERIDAN, ELECTA
Radio Log - Officer Requested	Add	7/9/2020 11:16:08 AM	GRINDER, WENDI
Radio Log - Officer Requested	Add	7/9/2020 11:16:34 AM	GRINDER, WENDI
Radio Log - Officer Requested	Add	7/9/2020 11:17:27 AM	GRINDER, WENDI
Radio Log - Call Detail	Update	7/9/2020 11:18:13 AM	GRINDER, WENDI
Radio Log - Officer Requested	Add	7/9/2020 11:19:50 AM	GRINDER, WENDI
Radio Log - Officer Requested	Add	7/9/2020 11:19:58 AM	SHERIDAN, ELECTA
Radio Log - Officer Requested	Delete	7/9/2020 11:20:13 AM	SHERIDAN, ELECTA
Radio Log - Officer Requested	Add	7/9/2020 11:20:53 AM	GRINDER, WENDI
Radio Log - Officer Requested	Add	7/9/2020 11:21:02 AM	SHERIDAN, ELECTA
Radio Log - Officer Assigned	Update	7/9/2020 11:27:33 AM	GRINDER, WENDI
Radio Log - Officer Requested	Add	7/9/2020 11:28:08 AM	GRINDER, WENDI
Radio Log - Officer Requested	Add	7/9/2020 11:32:44 AM	DENLEY, LESLIE
Radio Log - Officer Requested	Add	7/9/2020 11:39:26 AM	GRINDER, WENDI
Radio Log - Officer Requested	Add	7/9/2020 11:42:12 AM	GRINDER, WENDI
Radio Log - Officer Requested	Add	7/9/2020 11:43:58 AM	GRINDER, WENDI
Radio Log - Officer Requested	Add	7/9/2020 11:44:06 AM	SHERIDAN, ELECTA
Radio Log - Officer Requested	Delete	7/9/2020 11:44:13 AM	SHERIDAN, ELECTA
Radio Log - Officer Requested	Add	7/9/2020 11:44:34 AM	SHERIDAN, ELECTA
Radio Log - Officer Requested	Add	7/9/2020 11:51:20 AM	SHERIDAN, ELECTA
Radio Log - Officer Requested	Update	7/9/2020 12:06:53 PM	DENLEY, LESLIE
Radio Log - Officer Requested	Add	7/9/2020 12:07:25 PM	DENLEY, LESLIE
Radio Log - Officer Requested	Add	7/9/2020 12:08:17 PM	DENLEY, LESLIE
Radio Log - Officer Requested	Add	7/9/2020 12:23:11 PM	GRINDER, WENDI
Radio Log - Officer Requested	Add	7/9/2020 12:29:29 PM	GRINDER, WENDI
Radio Log - Call Detail	Update	7/9/2020 12:41:10 PM	DENLEY, LESLIE
Radio Log - Officer Requested	Add	7/9/2020 12:46:57 PM	SHERIDAN, ELECTA
Radio Log - Call Detail	Update	7/9/2020 12:47:24 PM	SHERIDAN, ELECTA

WIKIPEDIA

# Obstruction of justice

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**Obstruction of justice**, in United States jurisdictions, is a crime consisting of obstructing prosecutors, investigators, or other government officials. Common law jurisdictions other than the United States tend to use the wider offense of perverting the course of justice.

Obstruction is a broad crime that may include acts such as perjury, making false statements to officials, witness tampering, jury tampering, destruction of evidence, and many others. Obstruction also applies to overt coercion of court or government officials via the means of threats or actual physical harm, and also applying to deliberate sedition against a court official to undermine the appearance of legitimate authority.

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## Legal overview

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Obstruction of justice is an umbrella term covering a variety of specific crimes.<sup>[1]</sup> *Black's Law Dictionary* defines it as any "interference with the orderly administration of law and justice".<sup>[2]</sup> Obstruction has been categorized by various sources as a process crime,<sup>[3]</sup> a public-order crime,<sup>[4][5]</sup> or a white-collar crime.<sup>[6]</sup>

Obstruction can include crimes committed by judges, prosecutors, attorneys general, and elected officials in general.

### Federal law

In federal law, crimes constituting obstruction of justice are defined primarily in Chapter 73 of Title 18 of the United States Code.<sup>[7][8]</sup> This chapter contains provisions covering various specific crimes such as witness tampering and retaliation, jury tampering, destruction of

evidence, assault on a process server, and theft of court records.<sup>[9]</sup> It also includes more general sections covering obstruction of proceedings in federal courts, Congress,<sup>[10]</sup> and federal executive agencies.<sup>[9]</sup> One of the broadest provisions in the chapter, known as the Omnibus Clause, states that anyone who "corruptly... endeavors to influence, obstruct, or impede, the due administration of justice" in connection with a pending court proceeding is subject to punishment.<sup>[11]</sup>

Statistics regarding the frequency of obstruction of justice prosecutions are unclear.<sup>[12]</sup> In 2004, federal agencies arrested 446 people for obstruction, representing 0.3 percent of all federal arrests.<sup>[13]</sup> This does not include, however, people who were charged with obstruction in addition to a more serious underlying crime.<sup>[12]</sup>

### Sentencing enhancement

Under the Federal Sentencing Guidelines, a defendant convicted of any crime is subject to a more severe sentence if they are found to have obstructed justice by impeding the investigation or prosecution of their crimes.<sup>[14][15]</sup> While a separate conviction for the crime of obstruction would require proof beyond a reasonable doubt, a finding of obstruction for sentencing purposes only needs to meet the looser standard of "a preponderance of the evidence" (unless the enhanced sentence would exceed the statutory maximum sentence for the underlying crime).<sup>[16]</sup>

An obstruction finding adds two levels to the offender's sentence, which can result in as much as an additional 68 months of prison.<sup>[17]</sup> In 2017, the obstruction enhancement was applied in 1,319 cases, representing 2.1 percent of all sentences issued in federal courts.<sup>[18]</sup>

### State law

State laws regarding obstruction of justice vary widely. A 2004 survey found that 24 states and the District of Columbia had a general statute criminalizing obstruction of justice or obstruction of government functions in broad terms, similar to those found in federal law.<sup>[19]</sup> All states have laws prohibiting some specific types of obstruction, such as witness tampering, jury tampering, or destruction of evidence.<sup>[19]</sup>

## History

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From the creation of the federal courts by the Judiciary Act of 1789, judges had the power to summarily punish those who obstructed justice by holding them in contempt of court.<sup>[20][21]</sup>

A scandal in 1830 led to reform of the contempt law and the creation of obstruction of justice as a separate offense. Federal judge James H. Peck imprisoned a lawyer for contempt for publishing a letter criticizing one of Peck's opinions. In an effort to prevent such abuses, Congress passed a law in 1831 limiting the application of the summary contempt procedures to offenses committed in or near the court. A new section, which survives today as the Omnibus

Clause, was added to punish contempts committed outside of the court, but only after indictment and trial by jury.<sup>[20][21]</sup>

In 1982, in response to concerns that the obstruction law did not provide adequate protection to crime victims and other witnesses, Congress broadened the law against witness tampering and criminalized retaliation against witnesses, as part of the Victim and Witness Protection Act.<sup>[22]</sup>

The Sarbanes–Oxley Act of 2002 strengthened the obstruction laws regarding destruction of evidence before an investigation or proceeding has begun, in response to accounting firm Arthur Andersen's widely reported shredding of documents related to the Enron scandal.<sup>[23]</sup>

## Notable examples

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- The impeachment proceedings against Richard Nixon in 1974 included charges of obstruction of justice for impeding the investigation of the Watergate burglary. Nixon's acts of obstruction, as alleged by the House Judiciary Committee, included lying to investigators and withholding evidence, influencing witnesses (including through payments of hush money), and making false statements to the public about the investigation.<sup>[24][25]</sup> Nixon resigned before impeachment could be considered by the full House of Representatives, and he was preemptively pardoned by Gerald Ford before any criminal investigation could occur.<sup>[26]</sup>
- In the wake of the Iran–Contra affair, several members of the Reagan Administration were charged with obstruction of justice for alleged actions including lying to the Congressional committees investigating the matter and concealing evidence.<sup>[27]</sup>
- The impeachment of Bill Clinton in 1998 included allegations that Clinton obstructed justice by trying to influence the testimony of witnesses, including Monica Lewinsky, in the sexual harassment lawsuit filed against him by Paula Jones, and by encouraging Lewinsky to conceal evidence.<sup>[28]</sup> Clinton was acquitted of all charges by the Senate.
- Accounting firm Arthur Andersen was charged with obstruction of justice in 2002 for allegedly destroying and altering documents in anticipation of an investigation of the Enron scandal.<sup>[29]</sup> The company was convicted and effectively destroyed, though the conviction was later overturned.<sup>[30]</sup>
- Martha Stewart was convicted of obstruction of justice in 2004 for lying to investigators in the ImClone stock trading case about the reasons for a stock sale that was being investigated as potential insider trading.<sup>[31]</sup>
- In *United States v. Binion*, malingering (feigning illness) during a competency evaluation was held to be obstruction of justice and led to an enhanced sentence.<sup>[32]</sup>
- Scooter Libby, advisor to Vice President Dick Cheney, was charged with obstruction of justice in 2007 for allegedly lying to a grand jury investigating the Plame affair about conversations that he had with reporters about Valerie Plame's identity as a CIA agent.<sup>[33][34]</sup> Libby was convicted of obstruction and related crimes, but his 30-month prison sentence was commuted by George W. Bush, and he was pardoned by Donald Trump in 2018 after a key witness recanted her testimony.<sup>[35][36]</sup>
- Conrad Black was convicted of obstruction of justice in July 2007<sup>[37]</sup> for removing 13 boxes

containing financial records from his office in Toronto after they had been sealed by a court order, returning the boxes a few days later. Black was pardoned by Donald Trump in May 2019.<sup>[38]</sup>

- Barry Bonds was charged with obstruction of justice in 2011 for allegedly lying to a grand jury investigating the BALCO steroid scandal about whether his personal trainer had given him steroids.<sup>[39]</sup> Bonds was convicted and served 30 days of house arrest, but the conviction was later overturned on appeal.<sup>[40]</sup>
- Efforts to impeach Donald Trump have involved allegations that he obstructed justice by impeding the investigation of Russian interference in the 2016 Presidential election. The Mueller Report described ten alleged instances of potential obstruction, including Trump's dismissal of FBI director James Comey, attempts to influence witnesses, attempts to influence the Justice Department's oversight of Special Counsel Robert Mueller, and an attempt to have Mueller fired.<sup>[41]</sup> The House Judiciary Committee opened an investigation of the allegations, while Attorney General William Barr concluded that they did not amount to a prosecutable criminal case.<sup>[42][43]</sup>

## See also

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- Accessory (legal term)
- False evidence
- Jury tampering
- Obstructing government administration
- Perverting the course of justice, a similar concept in the Commonwealth of Nations
- Spoliation of evidence
- Witness tampering

## Footnotes

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2. Doyle, Charles (April 17, 2014). Obstruction of Justice: An Overview of Some of the Federal Statutes That Prohibit Interference with Judicial, Executive, or Legislative Activities (<https://crsreports.congress.gov/product/pdf/RL/RL34303>) (Report). Congressional Research Service. p. 1. Retrieved June 17, 2019.
3. Murphy, Erin. "The Crime Factory: Process, Pretext, and Criminal Justice" ([https://its.law.nyu.edu/faculty/profiles/representativeFiles/Erin%20Murphy%20-%20Manufacturing%20Crime%20-%20Process%20Pretext%20and%20Criminal%20Justice\\_AE4D3270-D95B-BAE7-CB8313F135FF73B2.pdf](https://its.law.nyu.edu/faculty/profiles/representativeFiles/Erin%20Murphy%20-%20Manufacturing%20Crime%20-%20Process%20Pretext%20and%20Criminal%20Justice_AE4D3270-D95B-BAE7-CB8313F135FF73B2.pdf)) (PDF). *Georgetown Law Journal*. 97: 1437. Retrieved June 19, 2019.
4. Burfeind, James; Bartusch, Dawn Jeglum (2011). *Juvenile Delinquency: An Integrated Approach* (<https://books.google.com/books?id=4L1nmmcfcwhcC&pg=PA62>). Jones & Bartlett. p. 62. ISBN 9781449654337.
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## Settlement Assistance Program for Pro Se Litigants

The Settlement Assistance Program (SAP) is a court-wide program that provides pro se litigants the benefit of a free attorney at settlement conferences with District or Magistrate Judges.

In the SAP, attorneys who are members of the bar of the Court volunteer to be appointed to provide free legal assistance to pro se parties to prepare them to settle their cases. Once appointed, the volunteer attorney's duties include conferring with the party; evaluating the case and advising the party as to its strengths *and* weaknesses; discussing the damages permitted by law and the consequences of settling; preparing a letter demanding specific relief; negotiating with opposing counsel; and, representing the party at the settlement conference conducted by District Judges or Magistrate Judges of the Court. The volunteer attorney would also draft or review the settlement agreement and corresponding motion to dismiss with prejudice, if appropriate. The volunteer will not have to participate in motion practice or discovery, and the volunteer's duties will not extend to any other part of the litigation.

Training opportunities for volunteer attorneys are held periodically at the District Court. Counsel who both complete the training program and are appointed as Settlement Assistance Program counsel will receive one training unit for purposes of admission to the District Court's Trial Bar. See Local Rule 83.11. Pro se parties must complete a Limited Appointment of Settlement Assistance Program Counsel Form that advises them of the limitations of the representation in order to obtain judicial approval of the appointment. Additionally, once appointed, the volunteer attorney must file a Limited Attorney Appearance Form as Settlement Assistance Program Counsel with the court. If a settlement is not reached after diligent efforts, Settlement Assistance Program counsel will be given leave to withdraw from the appointment on a motion seeking to withdraw, upon notice to the client and opposing counsel.

For questions about participating in the program, please contact J Cunyon Gordon at the Chicago Lawyers' Committee for Civil Rights Under Law at 312-630-9744 or [cgordon@clccrul.org](mailto:cgordon@clccrul.org).

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